

Privacy Rights for Applicants of Criminal History Checks

The rights listed below apply to Noncriminal Justice Applicants for criminal history background checks through the Tennessee Department of Health, Division of Health Licensure and Regulation, Office of Health Related Boards. As an applicant who is the subject of a State of Tennessee and national fingerprint-based criminal history record check for a noncriminal purpose (such as an application for licensure), you have certain rights that are discussed below.

- You have a right to written notification that your fingerprints will be used to check your criminal history records of the FBI (Federal Bureau of Investigations). *Provided in the Waiver Agreement and Statement of Criminal History Checks.*
- You have a right to written notification that your fingerprints will be used to check your criminal history records in the State of Tennessee. *Provided in the Waiver Agreement and Statement of Criminal History Checks.*
- You have a right to this Privacy Rights statement. *Acknowledgment in the Waiver Agreement and Statement of Criminal History Checks.*
- Your criminal history records will be used only for the purpose of evaluating your eligibility for licensure in Tennessee.
- Tennessee Code Annotated Section 63-1-116 permits each board, council, committee or other governmental entity created pursuant to Title 63 and Title 68, which is attached to the Department of Health, to promulgate rules and regulations necessary for obtaining criminal background information from applicants prior to the issuance of any licenses, certificates, registrations or other authorizations required to practice any of the health related professions regulated by that board, council, committee or other governmental entity.
- Staff for the board, council, and committee will maintain security of your criminal history records for the protection of confidentiality, as required by law.
- Your criminal history records will be reviewed within the Office of Health Related Boards only and will be reviewed by the least number of people needed to make a determination of eligibility for licensure in Tennessee.
- If there is a conviction(s) listed in your criminal history records, you will be contacted by board staff and asked to provide an explanation of the incident and to provide documentation to support your explanation.
- If there is an error in your criminal history records, you may submit a request to the FBI to change, correct, or update your information in your record as set forth at Title 28, Code of Federal Regulations (CFR), Sections 16.34.
- You may request from board staff a copy of your criminal history records.
- Following a final determination by the board, council, or committee regarding your eligibility for licensure in Tennessee, your criminal history records will be scanned/imaged into your license file. Any paper copies of your criminal history records will be shredded.